

## CHAPTER 21

### WATER UTILITY

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## 21.01 DEFINITIONS

- (a) **DEFINITIONS.** The following definitions shall apply herein:
- (1) **"Consumer"** shall mean a person, individual, owner, corporation, partnership association, agency, enterprise or entity receiving a water supply from the Utility.
  - (2) **"Laterals"** - see "service pipes" hereinbelow.
  - (3) **"Operator"** shall mean the person appointed by the Village Board to manage, operate and maintain the Utility, its water system and equipment.
  - (4) **"Service Pipes"** shall mean those lateral pipes running from the Utility's main to the building being served.
  - (5) **"Utility"** shall mean the Village of Pulaski and the Village of Pulaski Water Department.
  - (6) **"Water System"** shall mean all structures, conduits and appurtenances by means of which water is delivered to consumers.

## 21.02 GENERAL PROVISIONS

- (a) **COMPLIANCE WITH RULES.** All persons now receiving a water supply from the Village of Pulaski Water Department (also referred to herein as the "Utility"), or who may hereafter make application therefore, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.
- (b) **NO CLAIMS FOR DAMAGES.** No person shall enter a claim for damages against the Village of Pulaski, as a water utility, or the Utility, or any officer thereof, for damage or damages to any pipe, fixture or appurtenance by reason of interrupted water supply, or variation of pressure, or for damage of any nature whatsoever caused by the turning off, or turning on, either wholly or partially, of the water supply for the extension, alteration or repair of any water main or premises supply, or for the discontinuance of the premises water supply for the violation of any rule, rules or regulations of the Utility. No claims will be allowed against the Village or the Utility on account of the interruption of the water supply caused by the breaking of pipes or machinery, or by stoppage for repairs, on account of fire or other emergency, and no claims shall be allowed for any damage caused by the breakage of pipe or machinery.

### 21.03 MAIN EXTENSIONS

- (a) **NEW CONSUMERS.** The Utility will extend water mains for new consumers and will decide whether the extension is to be four (4) inches or six (6) inches, where fire-protection service is needed, or two (2) inches as a minimum size, or larger, where no general fire-protection is needed, on the following bases:
- (b) **COST.** Where the cost of the mains is not assessed against the abutting property:
  - (1) Where pipe, four (4) inches or larger, is used for fire-protection and general service, the consumers shall finance one-half (1/2) of the cost less the cost of a free limit of fifty (50) feet of main for each consumer.
  - (2) Where two (2) inch minimum-size pipe is used for general service only, the consumers shall finance the total cost in excess of one hundred (100) feet of main per customer.
  - (3) When new consumers are connected to a water main that was paid for in part by consumers, the Utility will refund to the party or parties making the original advances, not including the new consumer, the cost of fifty (50) or one hundred (100) feet of main, as the case may be, for each new consumer. The new consumer shall then pay a connection charge equal to the average contribution in the extension after the adjustment due to the refund by the Utility because of new connection; this connection charge will be refunded pro rata to all consumers on the extension, including the new consumer.
- (c) **ASSESSMENT.** Where the cost of the extension is assessed against the abutting property, the procedure, set forth under §62.19 of the Wisconsin Statutes, will apply.
- (d) **HANDLING WATER MAINS AND SERVICE PIPES IN SEWER OR OTHER TRENCHES.**
  - (1) Where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor.
  - (2) Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractor must, at his own expense, cause them to be replaced or repaired at once. He must not shut off the water service pipes from any consumer for a period exceeding six (6) hours.
- (e) **SETTLING MAIN OR SERVICE TRENCHES.**
  - (1) Trenches in unpaved streets shall be refilled with not less than six (6) inches of 3/4 inch stone below the main and eight (8) inches of 3/4 inch stone above the main. The remainder of the trench shall be backfilled with clean native material.

- (2) It shall be the duty of the Operator to see that all open ditches for water mains, hydrants and service pipes are properly guarded to prevent accident to any person or vehicle, and at night, there shall be displayed yellow signal warning flashers in such manner as will, so far as possible, insure the safety of the public.

#### **21.04 ESTABLISHMENT OF SERVICE**

##### **(a) SERVICE APPLICATIONS.**

- (1) Application for the original installation of a supply from the Utility main, for any extension or alteration of any existing supply from the curb line or within the street property line shall be filed by the owner of the property, or an authorized agent therefore, for the approval of the Operator of the water department prior to the performance of any such work. If a master plumber, or the owner, makes such application, he shall provide, fully and truly, the legal description of the property, the street location, the officially designated building number, the size and character of the supply pipe and the fixtures or appliances to be supplied. (Note particularly any special refrigeration or air-conditioning water-consuming appliances.)
- (2) The Operator is hereby empowered to withhold approval of any application, wherein full information of the purpose of such supply is not clearly and fully set forth by the applicant.
- (3) The signing of the application card or permit will constitute a contract for water supplied and its specific use, which contract embodies these regulations as part of same.

##### **(b) SERVICE CONNECTIONS.**

- (1) Each applicant for water service shall, at the time of making application for such service, execute and deliver to the Utility, a contract for such water service, agreeing to put in the service pipe from the curb line to each piece of water-using property existing at that point, and owned by him, where such water is desired, at the expense of such applicant and to commence the payment for such water service when a bill is rendered for the same.
- (2) No service pipe shall be installed to any lot or parcel of land, not now being served unless said lot or parcel of land has a frontage on a regularly platted street or public strip in which a cast iron, or other long-life, water main has been laid, and unless the water-service connection, therewith, is made between the property lines, extended to the main.

- (3) The service pipe shall be laid not less than six (6) feet below the surface of an established, or proposed, grade line. When laid in a combined sewer and water trench, the service shall be laid on a shelf of solid ground not nearer than twelve (12) inches to the side wall of the sewer trench.
- (4) No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water-supply service shall be made at the curb for separate supplies therefrom for two (2) or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties.
- (5) No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill or any other material which may cause injury to, or disintegration of, the service pipe, unless adequate means of protection are provided by sand filling or such insulation as may be approved by the superintendent of the water department. Service pipes, passing through curb or retaining walls, shall be adequately safeguarded by the provision of a channel space or pipe casing, not less than twice the diameter of the service pipe. The space between the service pipe and the channel or pipe casing shall be filled and lightly caulked with oakum, mastic cement or other resilient material, and made impervious to moisture.
- (6) When a change of direction of a cast-iron service is made on either side of a curb or retaining wall, the cast-iron fittings shall be securely braced to prevent the loosening or blowing out of the lead in the caulked joints. The bracing shall be made by concrete backing, by clamp rods extending from the fitting bell to the next bell or fitting, or by clamp rods securely anchored in the wall.
- (7) Such clamp rods shall be not less than five-eighths (5/8) inch diameter and, when buried in soil, should be protected against corrosion by painting with tar asphaltum or other suitable means. Set screws, for fastening clamp rods to pipe, will not be permitted.
- (8) In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones or other injurious material, around and at least six (6) inches over the pipe.
- (9) All water supplies shall be of undiminished size from the street main to and including the outlet valve of the water meter. Beyond the meter-outlet valve, the piping shall be sized and proportioned to provide, on all floors, at all times, an ample and equitable distribution of water supply for the greatest probable number of fixtures, or appliance units, operating simultaneously. In no instance, however, shall any water supply pipe to the furthest riser or fixture branch be of a smaller diameter than three-fourths (3/4) inch.

- (10) In case it is necessary to install a separate, new or larger service to replace an existing small-diameter service pipe, the property owner shall be responsible for all costs associated with the replacement of the service pipe from the main to the building being serviced.

## **21.05 METERS**

- (a) **INSTALLATION OF METER.** Meters will be furnished and placed by the utility and are not to be disconnected, or interfered with, by the consumer. All meters shall be so located that they shall be preserved from obstructions and allow each access thereto for reading and inspection, such location to be designated by the superintendent. All piping within the building must be supplied by the consumer. If additional meters are desired by the consumer, he shall pay for all piping and an amount sufficient to cover the cost of maintenance and depreciation, but not less than twenty-five (25) cents per month.
- (b) **SERVICE PIPING FOR METER SETTINGS.**
  - (1) In installing new service piping, (or changing service piping where consumers have been on a flat rate) if meters are to be set, the consumer shall, at his own expense, provide the proper connections for the meter. Where it is possible to set meters in basement, a short nipple shall be inserted after the stop and waste cock, then a union and then another nipple and coupling of the proper length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the Utility, which may require a horizontal run of eighteen [18] inches in such pipe line, which may later be removed for the insertion of the meter into the supply line.
  - (2) No permit will be given to change from metered to flat-rate service.

## **21.06 TURNING ON WATER**

The water cannot be turned on for a consumer except by a duly-authorized employee of the utility. When a plumber has completed a job, he must leave the water turned off. This does not prevent him from testing his work.

## **21.07 PROTECTIVE DEVICES**

- (a) **PROTECTIVE DEVICES IN GENERAL.** The owner, or occupant, of every premise receiving water supply, shall apply and maintain suitable means of protection of the premise supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure or any interruption of water supply. Particularly, must such owner, or occupant, protect water-cooled compressors for refrigeration systems by means of high-pressure safety cut-out devices. There shall, likewise, be provided, means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own, or adjacent, premises.
- (b) **RELIEF VALVES.** On all "closed systems" (i.e., systems having a check valve, pressure regulator or reducing valve, water filter or softener) an effective temperature-relief valve shall be installed either in the top tapping or upper-side tapping of the hot water tank or on the hot-water distributing pipe connection at the tank. A one-half (1/2) inch drain pipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain. No stop valve shall be placed between the hot-water tank and the relief valve or on the drain pipe.
- (c) **AIR CHAMBERS.** An air chamber, or approved shock absorber, shall be installed at the terminus of each riser, fixture branch or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall have a diameter not less than that of the pipe it serves and a length not less than fifteen (15) diameters of said supply pipe. Where possible, the air chamber should be provided with a valve and drain cock at its base for water drainage and replenishment of air.

## **21.08 PURITY OF SUPPLY NOT TO BE IMPAIRED BY CROSS CONNECTIONS**

Every person owning, or occupying, a premise, receiving a water supply from the Utility, shall maintain such water supply free from any connection, either of a direct or of an indirect nature, with a water supply from a foreign source or of any manner of connection with any fixture or appliance, whereby water from a foreign supply or the waste from any fixture, appliance, waste or soil pipe may flow, be syphoned or pumped into the piping of the Utility water system. All private fire-protection systems, having cross connection with private supplies, must maintain the double check and gate valves, installed by an order of the State Board of Health, free from leakage or defect of any nature.

Cross Reference: Chapter 23.

## **21.09 REPAIRS TO SERVICE**

- (a) **UTILITY REPAIRS.** The service pipe, from the main to the curb or lot line, will be maintained and kept in repair at the expense of the utility. The consumer shall maintain the service pipe, from the curb to the point of use, and can be billed for any water which has not passed through the meter and has been wasted by leakage of defective pipes and fixtures.
- (b) **CONSUMER REPAIRS.** If a consumer fails to repair a leaky or broken service pipe, from curb to point of metering, or use, within such time as may appear reasonable to the superintendent of the utility, after notification has been served on the consumer by the superintendent, the water will be shut off and will not be turned on again until the repairs have been completed.

## **21.10 REPAIRS TO MAINS**

The utility reserves the right to shut off the water in the mains, temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit of sufficient delay, the Utility will give notification, by newspaper publication or otherwise, of the discontinuance of the supply. No rebate or damages will be allowed to consumers for such temporary suspension of supply.

## **21.11 FROZEN SERVICES**

- (a) **THAWING.** Frozen services shall be thawed out by, and at the expense of, the utility, except where the freezing was caused by contributory fault or negligence on the part of the consumer, such as reduction of the grade or undue exposure of the piping in the building or on consumer's property, or failure to comply with water department specifications and requirements, as to depth of service, lack of sufficient backfill, etc.
- (b) **PREVENTIVE MEASURES.** Following the freezing of a service, the Utility shall take such steps and issue such instructions as may be necessary to prevent the re-freezing of the same service. No charge will be made for re-thawings if the instructions are followed. In case it is necessary to allow the water to flow to prevent re-freezing, the consumer must make provision for proper disposal of the waste water.
- (c) **COST OF LOST WATER.** For the period in which the water is allowed to run, the consumer will be billed according to his meter readings, but in no event to exceed the average amount paid in the corresponding billing periods of the previous two years. A new consumer will be charged the average bill for other consumers of the same class receiving service under comparable conditions.

## **21.12 REPAIRS TO METERS**

- (a) **REPAIR BY VILLAGE.** Meters will be repaired by the Utility and the cost of such repairs, caused by ordinary wear and tear, will be borne by the utility.
- (b) **CONSUMER COSTS.** Repair of any damage to a meter, resulting from the carelessness of the owner of the premises, his agent or tenant, or from the negligence of anyone of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the consumer or the owner of the premises.

## **21.13 STOP BOXES**

- (a) The consumer shall protect the stop box in his terrace and shall keep the same free from dirt and other obstructions. The Utility shall not be liable for failure to locate stop box and shut off water in case of a leak on the consumer's premises.
- (b) During new construction, maintenance or additions to existing structures, the property owner shall be responsible for any stop box damage, repair or replacement costs.

## **21.14 BILLING PROCEDURE**

- (a) **UNIT OF SERVICE.** (Applicable only if provided for in the rate schedule)
  - (1) A unit of service shall consist of any aggregation of space or area occupied for a distinct purpose such as a residence, apartment, flat, store, office or factory, etc., which is equipped with one or more fixtures for rendering water service, separate and distinct from other users. Each unit of service shall be regarded as one consumer and the surcharge for additional consumers on a meter assessed accordingly.
  - (2) Suites in houses, or apartments, where complete housekeeping functions (such as cooking) are not exercised, shall be classed as rooming houses. Thus houses and apartments having suites of one, two or more rooms with toilet facilities but without kitchen for cooking, are classed as rooming houses.

- (3) When a consumer's premises have several buildings, each supplied with service and metered separately, the full service charge will be billed for each meter separately, but the readings will be cumulated. If these buildings are all used in the same business and are connected by the consumer, they can be metered in one place. If these buildings are all used in the same business and are connected by the consumer, they can be metered in one place. If the Utility, for its own convenience, installs more than one meter, the readings will be cumulated for billing.
- (b) **PAYMENT OF BILLS.**
- (1) Bills for water service are rendered quarterly and become due and payable on the first of the month following the period for which service is rendered. A penalty of 10% will be added to bills not paid within fifteen (15) days from date of bill. If the bill is not paid within twenty (20) days, the consumer will be given written notice that the bill is delinquent and that, unless payment or satisfactory arrangement for payment is made within the next five (5) days, service will be disconnected without further notice.
  - (2) Failure to receive a bill in no way exempts consumers from the provisions of these rules.

Cross-Reference: Sec. 21.15, Deposit and Guarantee Rules

## **21.15 DEPOSIT AND GUARANTEE RULES**

- (a) **FOR PROPERTY OWNERS.** A deposit may be required if the credit of the consumer has not been established satisfactorily to the Utility.
- (b) **FOR RENTERS.** Either of the following alternatives to be used:
  - (1) A deposit may be required of all renters using water service to guarantee the payment of the water bill by the renter.
  - (2) A deposit will be required of renters where property owners have notified the Utility, in writing, that they preferred to have the water bills paid by the renter.
- (c) **DEPOSIT.**
  - (1) The amount of deposit required may be a sum not exceeding the estimated gross bills for all water service, both billed and unbilled, which can be supplied before the Utility's filed disconnect rule becomes applicable. The amount to be deposited may be a minimum of \$1.00 per month for each class of water service furnished.
  - (2) The deposit shall be refunded upon request of the customer, after two (2) years' service with payments within the prompt-payment period, and, without such request, shall be refunded voluntarily by the Utility after three (3) years' service with payments within the prompt-

payment period. In no case, however, will a deposit be refunded if the customer's credit standing is not satisfactory to the Utility.

- (3) A new or additional deposit may be required upon reasonable written notice of the need for such a requirement, in any case where a deposit has been refunded or is found to be inadequate, or where the customer's credit standing is not satisfactory to the Utility. The water service of any customer who fails to comply with these requirements may be disconnected upon five (5) days' written notice.

(d) **GUARANTEE.**

- (1) The Utility may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the Utility, whereby payment of a specified sum, not exceeding the cash-deposit requirement, is guaranteed. The term of such contract shall be indeterminate, but it shall automatically terminate when the customer gives notice to the Utility of discontinuance of service, at the location covered by the guarantee agreement, or six (6) months after discontinuance of service, or at the guarantor's request upon thirty (30) days' written notice to the Utility.
- (2) Upon termination of a guarantee contract, or whenever the Utility deems same insufficient as to amount or surety, a cash deposit, or a new or additional guarantee, may be required upon reasonable written notice to the customer. The water service, of any customer who fails to comply with these requirements, may be disconnected upon five (5) days' written notice.
- (3) The guarantor shall receive copies of all final disconnect notices sent to the customer whose account he has guaranteed.
- (4) In the event the Utility is not able to collect any bill for water service, even though Deposit and Guarantee Rules are on file, the bill may be put upon the tax roll as provided in Section 66.06, Wisconsin Statutes.

## 21.16 **RECONNECTION CHARGE**

- (a) **RECONNECTION.** Where a customer has contracted for yearly service and, at his request, service has been discontinued prior to the expiration of his contract period and his account is not delinquent and where, thereafter, he requests the reconnection of service in the same location, or some other location, a reconnection charge of \$40.00, payable in advance, shall be collected.

- (b) **CONNECTION CHARGE.** A connection charge of \$40.00 shall also be required from consumers whose services are disconnected because of nonpayment of bills when due, not including disconnection for failure to comply with deposit or guarantee rules.
- (c) **CONSUMER IDENTIFICATION.** A consumer shall be considered as the same consumer, provided the reconnection is requested for the same location by any member of the same family or, if a place of business, by any partner or employee of the same business.

#### **21.17 FAILURE TO READ METERS**

- (a) **FAILURE TO READ METER.** Where the Utility is unable to read meter after two (2) successive trials, the fact shall be plainly indicated upon the quarterly bill, the minimum charge assessed and the difference adjusted with the consumer when the meter is again read; that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled, and credit will be given on that bill for the amount of the minimum bill paid the preceding month.
- (b) **DAMAGED METER.** If the meter is damaged or fails to operate for any reason, the Utility will render a bill for the current period, based on an average of the last two (2) quarters, providing there is no particular reason why the use, during that period, has not been normal. In case the last two (2) periods cannot be properly used, the bill shall be estimated by some equitable method.

Cross-Reference: Sec. 21.20, Surreptitious Use of Water

#### **21.18 CHARGES FOR WATER WASTED DUE TO LEAKS**

When the meter registers losses due to pipe leaks, the Utility shall determine whether or not the defect in the piping or equipment was known to the consumer or, being known, he had used his best efforts to correct the condition. If the Utility is satisfied that the loss occurred without the consumer's knowledge, or having known about it, he had tried to correct the condition, the Utility may determine, as nearly as possible, what is the amount of the loss, by comparison with the use of the water during a like period, and the excess may be billed at the lowest step in the rates. If, however, the consumer knew of the leak and failed to give proper attention to it, the Utility will bill for the total consumption shown by the meter at regular rates.

### **21.19 COMPLAINT METER TESTS**

If a consumer demands that a test be made of his meter, in addition to the periodic or installation test, he shall pay a test fee of \$20.00 per inch of nominal size or fraction thereof. If the meter is found fast in excess of 2%, the payment for the test will be refunded and the usual adjustment made in the past bills.

### **21.20 SURREPTITIOUS USE OF WATER**

- (a) **SURREPTITIOUS WATER USE.** When the utility has reasonable evidence and probable cause to believe that a consumer is obtaining a supply of water, in whole or in part, by means of devices or methods used to stop, circumvent or interfere with the proper metering of the utility service being delivered to his equipment, the utility reserves the right to estimate, and present immediately, a bill for service unmetered as a result of such interference, and such bill shall be payable subject to a twenty-four (24) hour disconnection of service.
- (b) **RECONNECTION REQUIREMENTS.** When the Utility shall have disconnected the consumer for any such reason above, the Utility will reconnect the consumer upon the following conditions:
  - (1) The consumer will be required to deposit, with the Utility, an amount sufficient to guarantee the payment of the consumer's bills for utility service to the Utility.
  - (2) The consumer will be required to pay the Utility for any and all damages to its equipment on the consumer's premises, due to such stoppage or interference with its meetings.
  - (3) The consumer must further agree to comply with reasonable requirements to protect the Utility against further losses.
- (c) **PENALTY.** Any person who shall, without the authority of the Utility, obtain a supply of water, in whole or in part, by means of devices or methods used to stop, circumvent or interfere with the proper metering of the utility service being delivered to such person's equipment, shall, in addition to the provisions of subsection (a) of this Section, be subject to a fine of not less than **Fifty (\$50.00) Dollars** nor more than **Two Hundred Fifty (\$250.00) Dollars**, plus all applicable court costs and assessments.

### **21.21 WATER FOR CONSTRUCTION**

When water is wanted for construction purposes, or for filling cisterns, tanks or tank wagons, steam tractors or rollers or portable steam boilers, an application, therefore, shall be made to the superintendent, in writing, upon application provided for that purpose in the Water Department office, giving a statement of

the amount of construction work to be done or the size of the cistern, boiler, tank or tank wagon to be filled. Payment for the water for construction shall be made in advance at the scheduled rates. The service pipe must be carried inside the cellar wall from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the superintendent.

#### **21.22 USE OF HYDRANTS FOR CONSTRUCTION**

- (a) **HYDRANT USE.** In cases where no other supply is available, permission may be granted by the Operator to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. A charge of \$1.00 will be made for setting a valve or for moving it from one hydrant to another. In no case shall any valve be moved, except by a member of the Utility.
- (b) **FEE.** Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. The applicant must make a deposit of \$1.00 for the hydrant wheel and \$1.50 for the reducer, if he desires one. When the contractor has finished using the hydrant, he must notify the Utility to that effect. The minimum charge for the use of water from a hydrant will be \$5.00 exclusive of the deposit, but including the charge for setting the valve.

#### **21.23 EMERGENCY AND OCCASIONAL SERVICE**

- (a) **PERMIT REQUIRED.** Water used for construction work must be covered by a written permit, which can be obtained only from the Utility. In no case will any employee of the Utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work, the contractor must return the original permit to the Utility, together with a statement of the actual amount of construction work performed.
- (b) **PENALTY.** Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the Utility. Any consumer failing to comply with this provision will have his water service discontinued. He shall be subject to a fine as set forth in the following section.
- (c) **RESERVATION OF RIGHTS.** The right is reserved, by the Village Board, to suspend the use of fountains and hose for sprinkling streets, yards, gardens, etc., and during disastrous fires or whenever, in the opinion of the Village Board, the public exigency may require it.

#### **21.24 OPERATION OF VALVES AND HYDRANTS - PENALTY**

Any person who shall, without authority of the Utility, operate any valve connected with the street or supply mains or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall want to injure or impair the same, shall be subject to a fine of not less than **Ten (\$10.00) Dollars** nor more than **One Hundred (\$100.00) Dollars**. Permits for the use of hydrants for filling sprinkling carts apply only to such hydrants as are designated for such use. Owners or operators of motor vehicles will be held for the cost of repair of any hydrant damaged by being hit by a motor vehicle, and the Utility will not be responsible for the damage to the motor vehicle by reason of such accident.

#### **21.25 HYDRANT CONNECTIONS**

In the use of fire-hydrant supply, the hydrant valve will be set at the proper opening by the Utility when the sprinkling valve is set and the flow of water must be regulated by means of the sprinkling valve. If the water is to be used through iron-pipe connections, all such pipe installations shall have a swing joint to facilitate quick disconnection from the fire hydrant.

#### **21.26 RIGHT TO OPEN HYDRANTS**

Only such persons as shall be authorized by the Utility, or the Chief Engineer of the Fire Department, shall be permitted to open any fire hydrant for any purpose whatsoever, and no one, except such persons, shall be permitted to take the hydrant wrenches or wheels, or suffer the same to be taken from any fire-engine house, except for fire department purposes. Any person who shall violate this Section shall be subject to the fine and forfeiture as set forth in Sec. Sec. 21.24.

#### **21.27 TEMPORARY METERED SUPPLY, METER AND DEPOSITS**

An applicant for a temporary water supply, on a meter basis, shall make and maintain a monetary deposit of not less than **\$15.00** for each meter installed, as security for payment for use of water and for such other charges which may arise from the use of the Village water supply. The charge for setting the valve and furnishing and setting the meter shall be the cost of materials plus **\$10.00**.

## **21.28 REFUNDS OF MONETARY DEPOSITS**

All moneys deposited as security for payment of charges, arising from the use of temporary water supply on a metered basis, or for the return of a sprinkling-valve wheel or reducer, if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor and the return of the wheel and reducer.

## **21.29 INSPECTION OF PREMISES**

- (a) **ENFORCEMENT.** The Village Board may, from time to time, by resolution, deputize such officers and agents of the Utility as it shall determine for the purposes of enforcement of the provisions of this Chapter. Such deputized officers and agents of the Utility shall have the power and authority to enforce the ordinances and provisions of this Chapter and, where reasonable evidence and probable cause exists that any such ordinance or provision has been or is being violated, to issue municipal citations compelling such person or persons to appear before the Municipal Court of the Village of Pulaski.
- (b) **INSPECTION OF PREMISES.** Any officer, or authorized agent of the Utility, shall have the right of access, during reasonable hours, to any premises supplied with water service from the Utility, for the purpose of inspection or for the enforcement of the Utility's rules and regulations. The Utility will make a systematic inspection of all unmetered water taps at least once every twelve (12) months.
- (c) **GENERAL PENALTY.** The violation of any ordinance or provision of this Chapter, for which no specific penalty is provided, shall be subject to the penalty provisions of Sec. 1.06.

## **21.30 VACATION OF PREMISES**

When premises are to be vacated, the Utility shall be notified in writing at once, so that it may remove the meter and shut off the supply at the curb cock. The owner of the premises shall be liable to prosecution for any damage to the property of the water department, by reason of failure to notify the Utility of vacancy.

### **21.31 DISCONTINUANCE OF WATER**

Consumers desiring to discontinue the use of water must give notice, thereof, in writing, on or before the quarterly water rental is due, otherwise the minimum quarterly charge for the next succeeding quarter will go on in full.

### **21.32 PLUMBING SYSTEM TO WITHSTAND 300 POUNDS PRESSURE**

The owner of any plumbing connected with the waterworks system may adopt such system of plumbing as he may see fit, but it must stand at least a pressure of three hundred (300) pounds per square inch, and be subject to the inspection of the Utility.

### **21.33 SUPERVISION**

- (a) **VILLAGE CLERK; DUTIES.** It shall be the duty of the Village Clerk, or any competent person that the President and the Village Board may appoint, to act as the Operator hereunder, and it shall be the duty of the Village Board to fix the compensation for such person.
- (b) **OPERATOR, DUTIES.** The President and Village Board shall also appoint some competent person to have charge of the pumping station, and its transmission and distribution lines, tanks, services and meters, and such other work as the Village Board may direct and to fix the compensation for such person.

### **21.34 WATER FOR SPRINKLING SYSTEMS AND STAND PIPES**

If any person, being a regular patron of the waterworks system, wishes to lay large pipes, to connect with buildings equipped with automatic-overhead fire-sprinkling systems, or stand pipes, equipped with hose couplings to fit the Village fire hose, to be used only in case of fire, permission will be given to connect same with the mains, at their own expense, and, upon application, the Water Department will allow the use of the water, for fire purposes only and for no other purpose without having first obtained permission from the water department. Persons using the water without such permission, for other purposes, shall incur a penalty of not less than twenty-five (\$25.00) dollars nor more than two hundred (\$200.00) dollars for such offense.

### **21.35 SERVICE PIPING NOT FRONTING ON REGULAR PLATTED STREETS**

No service pipe shall be installed to any lot or parcel of land not now being served, unless said lot or parcel of land has a frontage on a regularly-platted street or public-service strip in which a cast iron, or other long-life water main, has been laid, and unless the water-service connection, therewith, is made between the property lines extending to the main.

**(Historical Note: The operation and management of the Utility was formerly under the control of the Pulaski Water Commission. That Commission was subsequently abolished and all powers were transferred and assigned to the Village Public Works Committee. Upon the subsequent abolition of the Committee, all powers and duties for the management and operation of the Utility were assumed by the Village Board.)**

### **21.36 WELL HEAD PROTECTION.**

- (a) **PURPOSE.** The users of the Village of Pulaski water system located within the Village of Pulaski depend exclusively on ground water for a safe drinking water source and supply. Certain land use practices and activities can seriously threaten or degrade ground water quality. The purposes of the regulations contained in this Section are to institute certain land use regulations and restrictions within the vicinity of Village of Pulaski wells to protect the Village's ground water supply and wells, and to promote the public health, safety and general welfare of the residents of the Village of Pulaski and other users of the Pulaski water distribution system.
- (b) **APPLICATION.** The regulations and restrictions contained within this Section shall apply within the Village of Pulaski. No new use or change in use of any structure, land or water shall be located, extended, converted, or structurally altered, and no development shall commence without full compliance with the requirements and restrictions of this Section and other applicable regulations.
- (c) **DEFINITIONS.** The following terms when capitalized shall have the following meanings:
  - (1) **"Additions"** with respect to pre-existing structures shall mean and include, but not be limited to, any alteration, modification or replacement of any existing structure but shall not include ordinary maintenance and repairs such as painting, replacement of doors, windows, shingles and roofing materials or other non-structural components.
  - (2) **"Aquifer"** shall mean a saturated, permeable geologic formation that contains and yields sufficient quantities of water.
  - (3) **"District"** shall mean the Ground Water Protection District

established hereunder.

- (4) **"Five Year Time of Travel Zone"** shall mean that area up gradient from a Well, the outer boundary of which area it is estimated that ground water and potential contaminants could, within five (5) years reach a pumping source from which such contaminants could infiltrate the Water System. The area of the Five Year Time of Travel Zone is determined by the use and application of the US EPA WHPA, RESSQC Module computer program based on available aquifer data and assumptions including a homogeneous, isotropic aquifer with no recharge conditions and visual evaluations of surface conditions.
  - (5) **"Ground Water Protection District"** shall mean that area surrounding a Village of Pulaski Well consisting of the NR 811.16 Zone, the Zone of Influence, and the Five Year Time of Travel Zone.
  - (6) **"Hazardous Substance"** shall have the meaning specified and defined in Sec. 289.01, Wis. Stats.
  - (7) **"Modifications"** with respect to pre-existing structures shall mean and include, but not be limited to, any addition or alteration to or replacement of any existing structure but shall not include ordinary maintenance and repairs such as painting, replacement of doors, windows, shingles and roofing materials or other non-structural components.
  - (8) **"Recharge Area"** shall mean that area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply ground water recharge to a well.
  - (9) **"Solid Waste"** shall have the meaning specified and defined in Sec. 289.01, Wis. Stats.
  - (10) **"Water System"** shall mean the Village of Pulaski Water System.
  - (11) **"Well No. 1"** shall mean Village of Pulaski Well No. 1 located at
  - (12) **"Well No. 2"** shall mean Village of Pulaski Well No. 2 located at
  - (13) **"Zone of Influence"** shall mean that area around a well in which ground water flows to the well.
- (d) **GROUND WATER PROTECTION DISTRICTS.** There is hereby established a Ground Water Protection District surrounding Well No. 1 and Well No. 2. to be known as "Ground Water Protection District No. 1" and "Ground Water Protection District No. 2" respectively.
- (e) **DISTRICT SEPERATION DISTANCES.** The following land use separation distances shall apply within each District established hereunder due to their respective proximity to a well field and the corresponding contamination threat:
- (1) NR 811.16 Zone. The separation distances in the NR 811.16 Zone shall be those separation distances as established and set forth in NR 811.16 of the Wisconsin Administrative Code or as subsequently

amended. Current separation distances in the NR 811.16 Zone are, but not limited to, the following:

- a. Fifty (50) feet from well head: storm sewer mains.
- b. Two Hundred (200) feet from well head: sanitary sewer mains, lift stations or single family residential fuel tanks. A lesser separation distance may be allowed for sanitary sewer mains where such main is constructed of watermain materials and joints, and is pressure tested in place to meet current AWWA C600 specifications. In no event shall the separation distance between a well and a sanitary sewer main be less than 50 feet.
- c. Six Hundred (600) feet from well head: gasoline or fuel oil storage tank that has received written approval from the Wisconsin Department of Industry, Labor and Human Relations or its designated agent under ILHR 10.10, Wis. Admin. Code.
- d. One Thousand (1000) feet from well head: private or municipal waste, septage or manure storage or treatment facilities or containment systems.
- e. One Thousand Two Hundred (1200) feet from well head: solid waste facility, incinerator, demolition facility, salt or deicing material storage facility, petroleum product storage tanks, pesticide or fertilizer handling or storage facility, or other chemical handling, processing or storage facility.

(2) Zone of Influence.

- a. Well No. 1. The Zone of Influence surrounding Well No. 1 shall be 500 feet in any direction from the well head.
- b. Well No. 2. The Zone of Influence surrounding Well No. 2 shall be 500 feet in any direction from the well head.
- c. Prohibited Activities. No Hazardous Substances or Solid Wastes shall be stored, placed, dumped, spread, sprayed, collected, buried or deposited within the Zone of Influence.

(3) Five Year Time of Travel Zone.

- a. Intent. The intent of the Five Year Time of Travel Zone is to establish a secondary zone of protection extending up gradient from an identified well head and to prohibit land use activities within that area that could enable contaminants to within the course of five (5) years infiltrate the Water System.
- b. Prohibited Activities. No Hazardous Substances or Solid Wastes shall be stored, placed, dumped, spread, sprayed, collected, buried or deposited within the Five Year Time of Travel Zone.

**(f) AUTHORIZED USE PERMITS.**

- (1) Authorized Use Permits. Upon application, the Village may issue an Authorized Use Permit for land uses within the Well Head Protection District for uses or activities otherwise prohibited where minimum prohibited uses or activities would occur or where changing information or technologies establish that an otherwise prohibited use or activities would pose no risk to the Village's water supply. Any use or activity subject to an Authorized Use Permit hereunder shall be a conditional use and may include requirements for environmental and safety monitoring consistent with local, state and federal requirements as the Village may require.
  - (2) Application. All applications for Authorized Use Permits shall be in writing and submitted to the Village Clerk together with such fee as shall, from time to time be established by resolution of the Village Board. The application shall contain the following information:
    - a. A narrative description of the proposed land use.
    - b. For new construction or structural additions, a complete set of plans detailing:
      1. The layout of building(s)
      2. Location of Hazardous Substances
      3. Drainage and piping
    - c. For use of an existing structure, a floor plan diagram, indicating the location of any Hazardous Substances
    - d. A description of safety precautions and containment plans for each Hazardous Substance located on the property.
  - (3) Application Review. Applications for Authorized Use Permits hereunder shall be reviewed by the Planning and Zoning Commission who shall recommend to the Village Board approval, denial or conditional approval of the Authorized Use Permit. Final approval of Authorized Use Permits shall be by the Village Board.
- (g) **PRE-EXISTING USES.** The existing lawful use of a structure or building that is not in conformity with the provisions of this ordinance may be continued subject to the non-conforming use provisions of Sec 62.23(7)(h), Wis. Stats. No Modifications or Additions to a pre-existing use shall be permitted unless they are made in conformity with provisions of this section. If a pre-existing use is discontinued for 12 consecutive months, any future use of the land, structures or buildings on that land, shall be subject to and conform to the requirements of this section.
- (h) **OPERATIONAL REQUIREMENTS.**
- (1) Reporting Requirements. Any property found to be within a Wellhead Protection District established hereunder shall provide to the Village within thirty (30) days of its receipt copies of all federal and state operational approvals or certificates related to Hazardous Substances or Solid Waste located on the property and

the results of any on-going environmental monitoring mandated by federal or state regulations.

- (2) Contingency Plan. Properties within a Wellhead Protection District established hereunder shall prepare and file with the Village a contingency plan in conformity with the provisions of Sec NR 630.22 of the Wisconsin Administrative Code of all Hazardous Substances or Solid Wastes located on the property. Such plans shall be filed within thirty days of written notice to the property owner unless such filing time is otherwise extended by the Village Board.
- (3) Contaminant Releases. In the event of the release of a contaminant that poses a danger to the Village's water supply the owner of the property on which the contaminant was released or the owner of the contaminant shall immediately cease the activity causing the contaminant release and cause the proper clean-up and removal of all released contaminants. The property owner or the owner of the contaminant shall be responsible for all costs of such clean-up and removal. Such costs shall also include all costs incurred by the Village for supervision and monitoring of the clean-up and removal of the contaminants regardless of whether there might have also been either or both federal or state supervision and monitoring of such clean-up activities.

(i) **ENFORCEMENT AND PENALTIES.**

- (1) Violations. It shall be unlawful to construct or use any structure, land or water in violation of any provision of this section. In the event of a violation hereof the Village may seek injunctive relief in addition to the penalty provisions of subsection (2) herein below.
- (2) Penalties. Any person, firm or corporation who has been determined to have violated any provision hereof shall be subject to a penalty of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars, plus the costs of prosecution for each violation. Each day that a violation exists shall constitute a separate offense.
- (3) Non-Exclusive Remedies. The remedies and penalties set forth herein shall not be exclusive. The Village may, in addition to the remedies and penalties hereunder, take or seek any other action or remedy it shall determine necessary to insure and effect compliance herewith, including, but not limited to, injunctive relief, and to recover all costs of enforcement and compliance hereunder. *(Ord. #469-08)*

